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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/774,301
Filing Date: February 06, 2004
Appellant(s): IRISH ET AL.

Krista A. Wittman

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/20/09 appealing from the Office action mailed 10/29/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The 112 first rejections have been vacated.

DETAILED ACTION

Claim Rejections - 35 USC § 102

- i) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- ii) Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sporgis (6320495).

Regarding claim 1, Sporgis (figs. 1-4) discloses a system for executing user navigational events (col. 3, lines 19-27) triggered through geolocational data (col. 5, lines 9-23; figs. 3&4) describing zones of influence, the system comprising:

a storage medium 12 (fig. 1) configured to hold data in a cartridge script (col. 4, lines 14-24; i.e. a collection of zones, map locations, items, events, etc; also *see applicant's specification, page 7, line 3 for definitions; cartridge script is interpreted as software containing items e.g. geolocational data, events, clues, data, etc*) loadable into a wireless computing device, wherein the data comprises:

zone of influence data configured to define one or more zones of influence into the cartridge script by describing a plurality of points of static geolocational data (static refers to location of a place, zone, or item that is static, i.e. not moving; figs. 3&4; col. 4, lines 14-24; i.e. a collection of zones, items, events, etc; also *see applicant's specification, page 7, line 3 for definitions*); and

user event data configured to define one or more user navigational events (i.e. individualized events; col. 3, lines 19-26, lines 63-65) into the cartridge script and to associate each user navigation event in the user event data with at least one zone of influence; and

the wireless computing device 10 configured to execute a scenario by triggering the user navigational events (col. 3, lines 19-26, line 63 to col. 4, line 13) in the user event data stored on the cartridge script through movement (col. 5, lines 9-23) of the wireless computing device 10, the wireless computing device comprising:

a locational module device 11 (GPS device col. 3, lines 1-18) configured to continuously self-identify a location of the wireless computing device 10 based on dynamic geolocational data (refers to geolocations based on movement of device 11, col. 5, lines 9-23) determined in response to the movement; and

a processor module (computer program in unit 12, col. 3, lines 1-5) configured to determine a correlation (col. 5, lines 9-23) between the dynamic geolocational data and the static geolocational data for one or more of the zones of influence, and to locally trigger the user navigational event (col. 3, lines 19-26, line 63 to col. 4, line 13; col. 5, lines 9-23) associated with the zone of influence based on the correlation.

The claimed, “locally trigger” implies that a navigation event is triggered at The Location of Processor module i.e. location of unit 12, emphasis added. That is as wireless computing device 10 moves about its location (i.e. dynamic location) is identified by the location module 11. When the position of device 10 becomes identical to the location of certain zone or area or the location of an item (static location) the device 10 will trigger a navigation event (i.e. send a signal of its location to unit 12). The processor module (i.e. computer program in unit 12) after receiving the signal from unit 10 compares the location of unit 10 and the location of a certain zone or location of an item in a certain zone. If the two locations do match, then unit 12 triggers the user navigation event at the location of the unit 12 (locally trigger) indicating the position unit 10 has matched the position of a zone or location of an item in a zone. Thus a person moving about with unit 10 will be declared a winner of a navigation event.

Regarding claim 2, Sporgis (figs. 1-4) discloses the system according to claim 1 further comprising:

further data in the cartridge script loaded in the wireless computing device comprising timed event data configured to specify one or more timed event comprising start time and a duration and to associate each timed event with at least one user navigation event (col. 3, lines 19-26, line 63 to col. 4, line 13; col. 5, lines 9-28); and

the wireless computing device further comprising:

a timer module configured to measure an elapsed time beginning with the start time of each timed event (see scheduled, begin travel, etc; col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28);

an evaluation module configured to determine when the elapsed time substantially equals the duration of one or more of the timed events, and to locally trigger each user navigational event associated with the timed event (col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28).

Regarding claim 3, Sporgis (figs. 1-4) discloses the system of claim 1 further comprising:
further data in the cartridge script loaded in the wireless computing device comprising one or more independent trigger conditions, wherein each independent trigger condition is configured to be associated with at least one user navigational event (col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28); and

the wireless computing device further comprising:
an evaluation module configured to determine trigger condition satisfaction of one or more of the independent trigger conditions, and to locally trigger each user navigational event associated with the independent trigger conditions based on the trigger condition satisfaction (col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28).

Regarding claim 4, Sporgis (figs. 1-4) discloses the system according to Claim 1, wherein the zone of influence data is configured to define each zone of influence as discrete, adjoining, overlapping, and nested relative to at least one other zone of influence in the zone of influence data (figs. 3&4; col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28).

Regarding claim 5, Sporgis (figs. 1-4) discloses the system according to Claim 1, wherein the zone of influence data is configured to define at least one zone of influence in the zone of influence data as inheriting at least one user navigational event from one or more other of the

zones of influence in the zone of influence data (col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28).

(10) Response to Argument

i) Applicant's arguments filed 11/20/09 have been fully considered but they are not persuasive.

The 112 first rejections have been vacated.

Applicant traverses the 102 rejection saying that Sporgis fails to disclose one or more user navigation events into a cartridge script. The examiner respectfully submits that the arguments are not convincing and note that Sporgis disclose:

a storage medium 12 (fig. 1) configured to hold data in a cartridge script (col. 4, lines 14-24; i.e. a collection of zones, map locations, items, events, data, etc; also *see applicant's specification, page 7, line 3 for definitions; cartridge script is interpreted as software containing items e.g. geolocational data, events, clues, data, etc*) loadable into a wireless computing device.

The unit 12 is a computer that runs a computer program. Unit 12 is shown to wirelessly communicate with unit 10 through the World Wide Web. Thus unit 12 inherently incorporates a storage or memory. Further column 4, lines 14-24 indicate that a map of a territory is input into comport 12. This inherently indicates that computer 12 has a memory for storing map locations, the map locations having zones, etc as shown in figs. 3&4. Unit 12 is also indicated as running a software, language that indicates that unit 12 definitely has a memory else it will be impossible to run the software. Unit 12 is further described as receiving GPS locations of a unit 10. All of these indicate that Sporgis meets the above limitation. As further noted the claimed, "cartridge

script" is interpreted as software in unit 12, the software holding a variety of things, e.g. clues, data, a collection of zones, map locations, items, events, etc (col. 3, lines 37-67; col. 4, lines 14-43). The claimed cartridge script is loadable in a wireless computing 10 navigation device, e.g. when the unit 12 transmits data such as clues, text, diagrams, music, events, etc to the wireless computing device 10 (col. 3, lines 37- 67; fig. 2). Applicant failed to address col. 4 lines 14-24 cited by the examiner as reading on the above limitation. Applicant appears to admit that Sporgis teaches "loaded" since applicant admits that unit 12 receives data from different components through the web. "Loaded" is web language implying that data has been received through the Web and stored in a device. The claimed, "cartridge script" or software containing clues, data related to geolocational data is loaded in unit 10 after it is transmitted from unit 12.

As such it is believed that Sporgis anticipates the claims.

Sporgis further disclose further disclose one or more user navigational events (i.e. individualized events; col. 3, lines 19-26, lines 63-65) into the cartridge script and to associate each user navigation event in the user event data with at least one zone of influence. Sporgis clearly indicates that the clues are events, geolocational data, written as software i.e. defined into a "cartridge script" or software. The cartridge script or software is associated with a navigation event, e.g. a clue is transmitted to unit 10, wherein the clue is associated with a user's position or location in a geographic zone (col. 3, lines 37-67; col. 4, lines 14-43). As such it is believed that Sporgis anticipates the claims.

Sporgis further disclose further disclose a processor module (computer program in unit 12, col. 3, lines 1-5) configured to determine a correlation (col. 5, lines 9-23) between the dynamic geolocational data and the static geolocational data for one or more of the zones of

influence, and to locally trigger the user navigational event (col. 3, lines 19-26, line 63 to col. 4, line 13; col. 5, lines 9-23) associated with the zone of influence based on the correlation.

The claimed, "locally trigger" implies that a navigation event is triggered at The Location of Processor module i.e. location of unit 12, emphasis added. That is as wireless computing device 10 moves about its location (i.e. dynamic location) is identified by the location module 11. When the position of device 10 becomes identical to the location of certain zone or area or the location of an item (static location) the device 10 will trigger a navigation event (i.e. send a signal of its location to unit 12). The processor module (i.e. computer program in unit 12) after receiving the signal from unit 10 compares the location of unit 10 and the location of a certain zone or location of an item in a certain zone. If the two locations do match, then unit 12 triggers the user navigation event at the location of the unit 12 (locally trigger) indicating the position unit 10 has matched the position of a zone or location of an item in a zone. Thus a person moving about with unit 10 will be declared a winner of a navigation event.

Applicant failed to address the rejection by particularly not addressing sections e.g. (col. 3, lines 19-26, line 63 to col. 4, line 13; col. 5, lines 9-23) cited by the examiner.

Sporgis anticipates the rest of the claims in view of anticipating independent claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Art Unit: 3664

Ronnie Mancho

Conferees:

/Ronnie Mancho/

Examiner, Art Unit 3664

/KHOI TRAN/

Supervisory Patent Examiner, Art Unit 3664

/MJ/ Marc Jimenez TQAS TC 3600